

VIA CERTIFIED MAIL

Doug Harris
General Manager
Veolia Environmental Services
#7 Mobile Avenue
Sauget, Illinois 62201

Re: Comprehensive Performance Test Date under the National Emissions Standards
for Hazardous Waste Combustors at 40 C.F.R. Part 63, Subpart EEE

Dear Mr. Harris:

I am responding to your letter dated June 14, 2012, in which Veolia Environmental Services (Veolia) disagrees with certain assertions made by the U.S. Environmental Protection Agency (EPA) in a letter dated May 25, 2012 regarding the date by which Veolia must submit to EPA a plan for the company's next comprehensive performance test (CPT), and the date by which Veolia must thereafter perform the test. The plan and the CPT are required under the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors at 40 C.F.R. Part 63, Subpart EEE (HWC MACT). EPA informed Veolia that its CPT plan was due to the Agency by August 2012, and that the CPT must be commenced by August 2013.

Veolia's understanding appears to be that the HWC MACT requires Veolia to submit the plan for the next CPT by December 2013 and to conduct the next CPT by December 2014. Veolia's reasoning is based on the fact that the company expedited metals testing at the request of EPA in August 2008 and conducted a CPT in December 2009. Veolia appears to reason that the HWC MACT requires another CPT within 61 months after the previous CPT, which would be December 2014, i.e. 61 months after the 2009 test. Veolia acknowledges, however, that it used the August 2008 metals test data in lieu of an actual metals stack test during its CPT in December 2009.

Veolia's interpretation of the HWC MACT is mistaken. As a general matter, the HWC MACT does require commencement of the next performance testing within 61 months after the date of commencing the previous CPT. 40 C.F.R. § 63.1207(d)(1). However, the sentence following that requirement clarifies that "if a source submits data in lieu of the initial performance test, then it must commence the subsequent CPT *within 61 months of commencing the test used to provide the data in lieu of the initial performance test.*" *Id.* (emphasis added). This provision is directly applicable to the situation at Veolia.

Since Veolia used metals data from the August 2008 test in lieu of the initial performance test, it must commence the next CPT within 61 months of the commencement of the August 2008 test. Therefore, Veolia must commence the next CPT by August 2013. The HWC MACT further requires sources to submit to EPA a notification of intent to conduct a CPT and a site-specific test plan for the CPT at least one year before the performance test. 40 C.F.R. § 63.1207(e)(1)(i). Therefore, Veolia must submit to EPA its notification of intent and a site-specific test plan for the next CPT by August 2012. In its August 2012 CPT plan submittal, EPA requests that Veolia include a protocol for testing all required parameters concurrently in order to demonstrate compliance with the emission standards provided by the HWC MACT as required by 40 C.F.R. § 63.1207(b)(1).

If you have any questions regarding this letter, please contact Ms. Sarah Marshall or Shannon Downey at (312) 886-6797 or (312) 353-2151, respectively.

Sincerely,

Eileen L. Furey
Acting Chief
Air Enforcement and Compliance Assurance Branch

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency

CERTIFICATE OF MAILING

I, Daneshia Hamilton certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Doug Harris
General Manager
Veolia Environmental Services
#7 Mobile Avenue
Sauget, Illinois 62201

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

Ray Pilapil, Manager
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

on the ____ day of _____ 2012.

Administrative Program Assistant
Planning and Administrative Section

Certified Mail Receipt Number:_____

standard bcc's: official file copy w/ attachment(s)
 Originating Organization Reading File w/attachments

other bcc's: Sabrina Argentieri, C-14J
 Sarah Marshall, AE-17J
 Shannon Downey, AE-17J

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